

**Revised Answer**  
**Confidentiality**

**Question:** The Government Insight Clause of the assistance agreement states that DOE federal employees are subject to the Trade Secrets Act, and that DOE contractor support personnel shall sign an NDA (subject to the review of DOE); Does the reference to the Trade Secrets Act mean that DOE employees need not sign an NDA?

**Answer:** Yes

**Question:** If it has a standard form NDA for DOE contractor personnel, could DOE make it public?

**Answer:** The Government Insight Clause of the assistance agreement has been amended to reflect that DOE contractor personnel will be subject to a contractual obligation of confidentiality to DOE for data it receives that contain restrictive markings; however, DOE contractor personnel will not be required to sign NDA's.

*This answer supersedes the answer distributed by the Contracting Officer in the Miscellaneous FAQs dated January 12, 2010.*